

HB 1448 - H AMD 36

By Representative Taylor

NOT CONSIDERED 04/22/2011

1 On page 2, after line 11, insert the following:

2 "(5) As of the effective date of civil retrocession under
3 subsection (4) of this section, state and local governmental entities
4 shall not provide services to, or expend public resources for, the
5 Indian tribe or group that is subject to such retrocession, unless:

6 (a) The Indian tribe or group and the state or local governmental
7 entity enter into a legally binding agreement under which the Indian
8 tribe or group must fully reimburse the governmental entity for the
9 costs of all services rendered or public resources provided to the
10 Indian tribe or group; and

11 (b) The reimbursement agreement required under subsection (5)(a)
12 of this section explicitly stipulates that the federal courts shall
13 have jurisdiction over any legal claim or dispute related to the
14 agreement and that the Indian tribe or group waives any and all claims
15 of sovereign immunity with respect to jurisdiction and the subject
16 matter of the litigation."

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EFFECT: Requires that a state or local governmental entity and the Indian group or tribe enter into a legally binding reimbursement agreement before the governmental entity may provide services to, or expend public resources for, the Indian tribe or group following retrocession; and requires that the reimbursement agreement contain stipulations conferring jurisdiction to the federal courts and that the Indian tribe or group waives all claims of sovereign immunity with respect to jurisdiction and the subject matter of any litigation arising from the agreement.

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